

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13376, of Thomas F. Hillyard and Duane R. Evans, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing an addition to a structure which now exceeds the percentage of lot occupancy (Paragraph 7107.21) for an addition and conversion of a non-conforming structure to a flat in an R-4 District at the premises 231 - 6th Street, S.E., (Square 843, Lot 32).

HEARING DATE: November 12, 1980
DECISION DATE: December 3, 1980

FINDINGS OF FACT:

1. The subject property is located in an R-4 District on the northwest corner of the intersection of 6th Street and Seward Square, S.E.
2. The subject property has twenty feet of frontage on Seward Square and 57.25 feet of frontage on 6th Street. The lot has an area of 1145 square feet.
3. The subject property is improved with a building which now covers 100 per cent of the lot. The building is two stories plus basement for approximately 41.5 feet back from Seward Square. The remaining 15.75 feet of depth is only one story plus basement.
4. The applicant proposes to construct an addition to the building, to fill the open area at the second floor level for the northern 15.75 feet of the lot.
5. The proposed addition will not increase the occupancy of the lot.
6. The R-4 District permits a maximum lot occupancy of sixty percent for a flat. The existing building is thus 458 square feet over the normally permitted maximum of 687 square feet for the lot.

7. As part of the renovation and addition, the applicants will relocate certain existing heating and cooling equipment now located on the roof. As relocated, such equipment will not be visible from the street or to other neighbors at the rear.

8. Advisory Neighborhood Commission - 6B, by letter dated November 11, 1980, reported that it supported the application. The ANC noted that granting the variance would allow the applicant to enclose the open area without increasing the lot occupancy. The ANC advised that it was aware of no neighborhood opposition to the proposal. The Board agrees with the recommendation of the ANC.

9. The owners of the abutting properties to the west and south submitted letters to the record, stating no objection to the proposed addition.

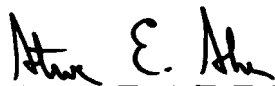
CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the existing 100 percent occupancy of the lot is such a condition, and that strict application of the regulations would preclude the owners from building any addition to the property, a practical difficulty for the owners. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, Charles R. Norris, Connie Fortune, and William F. McIntosh to GRANT; Douglas J. Patton to GRANT by PROXY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

23 JAN 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.